

Notice of Allowability

Application No.

09/508,422

Examiner

Debra F. Charles

Applicant(s)

RITTER ET AL.

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/24/2005.
2. ☒ The allowed claim(s) is/are 23-30,32-40 and 42-54.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



9/20/2005

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Nikolaus Schibli on September 20, 2005.

The application has been amended as follows:

2. Claims 27, 28, 29, and 30, the phrase "data carrier" is changed to "customer telecommunications device".

3. Claim 31 is combined with claim 43. Claim 43 now reads:
A billing methods to determine usage fees which arise through use of a digital telecommunications network, comprising:
Determining statistical characteristics of previous connections of a customer;

Creating a client traffic distribution curve based on the statistical characteristics; generating a dynamic client profile based on the client traffic distribution curve;

Establishing a new connection by the customer via the digital telecommunications network; and

Calculating a usage fee associated with the new connection before termination of the new connection; and

Determining group statistical characteristics of previous connections of at least one group of users of the telecommunications network;

Determining customer statistical characteristics of previous connections of a customer of the telecommunications network;

Deriving a dynamic client profile based on at least one of the group statistical characteristics and the customer statistical characteristics;

Storing said dynamic client profile in a memory area of a customer telecommunications device;

Establishing a new connection by the customer via the telecommunications network;

Calculation, based on the dynamic client profile, a usage fee for the new connection; and modifying said dynamic client profile based on at least one random variable associated with the new connection.

Claim 32 has been made an independent claim. The preamble of claim 32 now reads:

A billing method comprising:

Allowable Subject Matter

1. Claims 23, 27, 32, 43, and 52 are allowed.
2. The following is an examiner's statement of reasons for allowance:

As per Claims 23, 27, 32, 43, and 52.

The present invention is directed to a method for determining usage fees in a telecommunications network. Each independent claim identifies the uniquely distinct features "dynamically updating a client profile to calculate price per connection ". The closest prior art, Fenner, Lakshmi and Jain et al., disclose maintaining and changing service profiles built into

the phone company database, either singularly or in combination, fail to anticipate or render the above underlined limitations obvious.

The claims which depend from the above allowed claims are allowed based on their dependencies.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (571) 272 6791. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin can be reached on (571) 272 6747.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Debra F. Charles
Examiner
Art Unit 3624

VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

